

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re:

Chapter 13

SPIRO & ANN MILLIARESSIS

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Index No. 08-22504

Upon the application of SPIRO & ANN MILLIARESSIS, Debtors, dated June 23, 2008 and there being no Opposition filed herein, and Oral Argument had thereon on September 10, 2008.

IT IS ORDERED

- 1) The Motion is Granted.
- 2) Claim #2 of AMERICA'S SERVICING COMPANY is expunged.

Dated: October 6, 2008
White Plains, New York

/s/ Adlai S. Hardin, Jr.
Hon. Adlai S. Hardin Jr.
Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK		PROOF OF CLAIM
Name of Debtor: Spiro and Ann Milliaressis		Case Number: 08-22504
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): America's Servicing Company		<input checked="" type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.
Name and address where notices should be sent: America's Servicing Company 3476 Stateview Blvd., MAC X7801-014 Fort Mill, SC 29715-7200		Court Claim Number: _____ (If known)
Telephone number:		Filed on: 05/20/2008
Name and address where payment should be sent (if different from above): America's Servicing Company 3476 Stateview Blvd., MAC X7801-014 Fort Mill, SC 29715-7200		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.
Telephone number:		<input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
1. Amount of Claim as of Date Case Filed: \$ 384,196.63		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.
If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.		Specify the priority of the claim.
If all or part of your claim is entitled to priority, complete item 5.		<input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).
<input checked="" type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		<input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier – 11 U.S.C. §507 (a)(4).
2. Basis for Claim: Money Loaned (See instruction #2 on reverse side.)		<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. §507 (a)(5).
3. Last four digits of any number by which creditor identifies debtor: 9382		<input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. §507 (a)(7).
3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)		<input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. §507 (a)(8).
4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.		<input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. §507 (a)(____).
Nature of property or right of setoff: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other		Amount entitled to priority: \$ _____
Describe:		*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.
Value of Property: \$ _____ Annual Interest Rate: _____ %		
Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ 62,186.96 Basis for perfection: Mortgage		
Amount of Secured Claim: \$ 384,196.63 Amount Unsecured: \$ _____		
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.		
7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See definition of "redacted" on reverse side.)		
DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.		
If the documents are not available, please explain:		
Date: 07/14/08	Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any. Nicole C. Gazzo, Esq. /s/ Nicole C. Gazzo	FOR COURT USE ONLY

Spiro and Ann Milliaressis
Case No. 08-22504
Loan No. *****9382

TOTAL AMOUNT OF DEBT

Principal Balance		\$ 323,001.50
Accrued Interest	Interest at 8.800%	29,470.92
Accrued Late Charges		585.46
Foreclosure Attorney Fees		1,250.00
Foreclosure Attorney Costs		2,680.72
Escrow Advance		26,623.03
Property Inspections		150.00
Broker's Price Opinion		285.00
Attorney's Fees for Preparation of the Proof of Claim		150.00
TOTAL		\$ 384,196.63

PRE-PETITION ARREARS

11 Payments at \$2,449.47	26,944.17
(June 1, 2007-April 1, 2008)	
Accrued Late Charges	585.46
Foreclosure Attorney Fees	1,250.00
Foreclosure Attorney Costs	2,680.72
Escrow Shortage	30,141.61
Property Inspections	150.00
Broker's Price Opinion	285.00
Attorney's Fees for Preparation of the Proof of Claim	150.00
TOTAL	\$ 62,186.96

***This proof of claim is filed without waiving any and all rights the
Secured Creditor may have under 11 U.S.C. Section 362, if applicable.